



DOMESTIC VIOLENCE RESTRAINING ORDERS: THE BASICS

Should I get a lawyer?

You are not required to have a lawyer to file papers or to participate in a case in court. I can not advise you whether you should hire a lawyer in your case. Only you can make that decision. However, in the video, *Going Solo*, you can see how the court system works and determine if you want to go it alone or hire an attorney. There is a guide that goes along with the video that provides a number for the State Bar Lawyer Referral Service and also a list of organizations that you can call for free or low-cost legal help, if you qualify.

Would you look over this form and tell me if I did it right?

You have provided all the required information. I cannot tell you whether the information you provided is correct; only you can know that.

What should I say to the judge when she calls my case?

I can't tell you what arguments to make to the court. You will need to decide that for yourself. Here is a handout on effective ways to present your case to the court. You can also view a videotape on this subject at any public or law library in California.

I have a disability (or I can not read or write) that prevents me from filling out this form. Would you fill it out for me?

In that case I can fill out the form for you, but you have to tell me what information to put down. I will write down whatever you say and read it back to you to make sure what I have written is correct.

I want to see the judge. Which way is the office?

The judge only talks with all parties to a case at the same time. You would not want the judge to talk to the other side about this case if you were not present. The judge will speak to you at your hearing.

I need a good lawyer. Who is the best?

I can't refer you to an individual lawyer because the court must always remain neutral in all matters. However, if you want help in finding a lawyer who specializes in your kind of case, the

number for the bar association's lawyer referral service is 1-866-442-2529. You might also want to check out the Web site for the State Bar at: www.calbar.org.

I want to see my daughter more than the old court order allows. How do I get more time with my daughter?

It sounds like you want to obtain an order from the court modifying your present custody order. Here is an Order to Show Cause form that is usually used to bring that issue before the court, as well as a packet of information on how to fill it out.

My form got sent back to me from the court because it was incomplete. What is wrong with it?

It looks like you did not include all the information requested on the back of the form. Once you have filled that out, I'll be happy to file the form for you.

What is the last day I can file my lawsuit?

The time for filing your case can vary depending on the particular facts involved. Determining the last day for filing a lawsuit can be very difficult to do. You should consult a lawyer to help you figure this out if you have any doubts.

I figured out that I have to file my papers 10 days before the hearing, but that day falls on a holiday when the court is closed. What do I do?

Your situation falls within an exception to the 10-day rule. You must file and serve your papers by the end of court business on the next day that the court is open following the holiday.

Could you check to see if there are any liens on my property?

We don't have those kinds of records in this office. You can find that information at the County Recorder's office. It's only located a few blocks from here. Let me show you how to get there on this map of the local government buildings.

Note: Check with your supervisor before using the scripted responses.